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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 ABDUL MUJAAHID SIDDIQ, ) CASE NO. C08-0593-TSZ-MAT  
09 )  
Petitioner, )  
10 )  
v. ) ORDER REQUESTING  
11 ) SUPPLEMENTAL BRIEFING  
RON VAN BOENING, )  
12 )  
Respondent. )  
13 \_\_\_\_\_ )

14 Petitioner Abdul Mujaahid Siddiq proceeds with counsel in this 28 U.S.C. § 2254  
15 habeas action. The briefing associated with this action is now complete. However, upon  
16 review of that briefing, the Court finds additional briefing as to petitioner's fourth ground for  
17 relief would be helpful. Accordingly, the Court finds as follows:

18 (1) Respondent shall submit a supplemental brief further addressing the question of  
19 whether Washington's re-litigation rule serves as a bar to habeas review of petitioner's fourth  
20 ground for relief. In particular, respondent shall further discuss *Pirtle v. Morgan*, 313 F.3d  
21 1160 (9th Cir. 2002), the cases discussed and cited in that decision, *see id.* at 1168, and any  
22 other applicable case law from the Ninth Circuit Court of Appeals. Respondent shall also

01 address, as an alternative argument, the merits of petitioner's fourth ground for relief.  
02 Respondent's supplemental brief shall not exceed ten (10) pages and shall be filed with the  
03 Court by no later than **June 10, 2009**. Petitioner shall submit a reply, also not to exceed ten  
04 (10) pages and addressing the same issues outlined above, on or before **June 19, 2009**.  
05 Respondent's Answer is renoted for consideration on **June 19, 2009**.

06 (2) The Clerk is directed to send a copy of this Order to the parties and to the  
07 Honorable Thomas S. Zilly.

08 DATED this 1st day of June, 2009.

09 s/ Mary Alice Theiler  
10 United States Magistrate Judge  
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